

BOARD OF SUPERVISORS

MINUTES

January 26, 2005

Supervisors in Attendance:

Mr. Edward B. Barber, Chairman
Mr. R. M. "Dickie" King, Jr.,
Vice Chairman
Mrs. Renny Bush Humphrey
Mr. Kelly E. Miller
Mr. Arthur S. Warren

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Mr. Craig Bryant, Dir.,
Utilities
Ms. Jana Carter, Dir.,
Youth Planning and
Development
Ms. Marilyn Cole, Asst.
County Administrator
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Ms. Rebecca Dickson, Dir.,
Budget and Management
Mr. James Dunn, Dir.,
Economic Development
Mr. William Dupler,
Building Official
Ms. Lisa Elko, CMC
Clerk
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Joseph A. Horbal,
Commissioner of Revenue
Mr. H. Edward James,
Dir., Purchasing
Mr. Donald Kappel, Dir.,
Public Affairs
Ms. Kathryn Kitchen, Asst.
Supt. of Schools for
Business and Finance
Ms. Mary Lou Lyle, Dir.,
Accounting
Mr. Mike Mabe, Dir.,
Libraries
Acting Chief Paul Mauger,
Fire and EMS Dept.
Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney
Mr. Francis Pitaro, Dir.,
General Services
Ms. Jo L. Rohr, Quality
Coordinator

Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Thomas Taylor, Dir.,
Block Grant Office
Mr. Kirk Turner, Dir.,
Planning
Maj. Barry Woody,
Sheriff's Office

Mr. Barber called the regularly scheduled meeting to order at 3:35 p.m. He noted that Mr. Ramsey is at home not feeling well, and Mr. Stith will be acting as County Administrator in his absence today.

1. APPROVAL OF MINUTES FOR JANUARY 12, 2005

On motion of Mrs. Humphrey, seconded by Mr. Miller, the Board approved the minutes of January 12, 2005, as submitted.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

o 2004 CITIZEN SATISFACTION SURVEY PRESENTATION

Mr. Stith introduced Ms. Jo L. Rohr, Quality Coordinator, to present highlights of the results of the 2004 Citizen Satisfaction Survey.

Ms. Rohr reviewed the background methodology used to develop the survey. She stated, of the 84 questions that could be compared directly to the 2001 survey, 80 (95.2 percent) indicated an improvement and four (4.8 percent) indicated a decline. She further stated 94.2 percent of the respondents rated the county's overall quality of life as good or excellent. She stated the customer service index indicated improvement in all five areas from 2001 to 2004. She reviewed the top five responses to the best things about living in Chesterfield County and the biggest challenges faced by the county. She stated the county scored above the national norm in 25 out of the 39 comparative questions. She further stated only two questions out of the 24 that were duplicated from the 2001 survey indicated a decline of five percent or more. She stated staff will take steps to communicate this information to citizens and employees and will work to improve the county's performance.

When asked, Ms. Rohr stated demographic information is available for the citizens who responded to the survey.

Mr. Warren requested that Board members be provided with a full report, including demographic information and comments made by respondents.

Discussion ensued relative to the process for randomly selecting citizens to participate in the survey.

Mr. Stith stated he believes the survey results reflect well on the leadership of the Board and the quality of county staff.

Mr. Barber thanked Ms. Rohr for the informative presentation.

3. BOARD COMMITTEE REPORTS

There were no Board committee reports at this time.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. Miller, seconded by Mr. King, the Board replaced Item 8.C.2., Amendment of a Resolution Relating to Agreements for Acquisition of Real Property in the Meadowville Technology Park by the Industrial Development Authority for Economic Development and Other Public Purposes; added Item 8.C.9., Authorization for the County Administrator to Apply for a Hazard Mitigation Grant to Acquire Properties Flooded by Tropical Storm Gaston; added Item 8.C.10.a., Transfer of District Improvement Funds from the Clover Hill, Matoaca and Midlothian District Improvement Funds to the School Board to Fund a Tutoring Program for Remedial Students at Crenshaw Elementary School; added Item 8.C.10.b., Transfer of District Improvement Funds from the Midlothian District Improvement Fund to the School Board to Defray the Costs of Producing a Video of the History of Midlothian to be Housed at the Mid-lothian Mines Park Museum; added Item 8.C.10.c., Transfer of District Improvement Funds from the Bermuda, Clover Hill, Dale, Matoaca and Midlothian District Improvement Funds to the School Board to Purchase Sports Equipment and Uniforms for Community High School; replaced Item 10.B., Report on Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases; and adopted the Agenda, as amended.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

5.A. RECOGNIZING THE AMERICAN HEART ASSOCIATION MID-ATLANTIC AFFILIATE FOR A DONATION TO PURCHASE AUTOMATED EXTERNAL DEFIBRILLATORS FOR THE CHESTERFIELD COUNTY POLICE AND FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENTS

EMS Director Bobby Lukhard introduced Ms. Karen Downing who was present to receive the resolution on behalf of the American Heart Association Mid-Atlantic Affiliate.

On motion of the Board, the following resolution was adopted:

WHEREAS, the American Heart Association Mid-Atlantic Affiliate provided a generous donation which was used by the Chesterfield County Department of Fire and Emergency Medical Services to purchase Automated External Defibrillators for Chesterfield County Police Department patrol cars; and

WHEREAS, the donation will aid in the enhancement of our police officers' ability to provide early defibrillation to cardiac arrest victims; and

WHEREAS, the American Heart Association Mid-Atlantic Affiliate has enhanced citizen cardiac arrest survivability through early defibrillation by Chesterfield County police officers; and

WHEREAS, through the cooperative efforts of Mrs. Linda Vines, Mrs. Kirsten A. Roberts and Mrs. Cathleen Smith Grzesiek, the spirit of community/private partnerships has provided Chesterfield County with increased capabilities to improve the delivery of patient care with early defibrillation capabilities of our police officers; and

WHEREAS, Chesterfield County greatly appreciates this donation and is looking forward to continuing a strong relationship with the American Heart Association Mid-Atlantic Affiliate.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 26th day of January 2005, publicly recognizes the American Heart Association Mid-Atlantic Affiliate and expresses appreciation for its generous contribution toward enhancing citizen cardiac arrest survivability.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to American Heart Association Mid-Atlantic Affiliate and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. King presented the executed resolution to Ms. Downing, accompanied by Chief Lukhard, and expressed appreciation for the generous donation from the American Heart Association Mid-Atlantic Affiliate.

Ms. Downing expressed appreciation, on behalf of the American Heart Association, for the opportunity to make defibrillators readily available to county citizens.

5.B. RECOGNIZING MRS. CAMELIA C. YANCEY, POLICE DEPARTMENT, UPON HER RETIREMENT

Colonel Baker introduced Mrs. Camelia Yancey who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mrs. Camelia C. Yancey began her public service with the county as School Crossing Guard in the Police Department on January 16, 1978, and faithfully served Chesterfield County for 26 years until her retirement December 31, 2004; and

WHEREAS, by providing quality public service, Mrs. Yancey has helped to provide a safe and secure community for

the citizens of Chesterfield County and has symbolized the type of employee Chesterfield County seeks; and

WHEREAS, Mrs. Yancey has exemplified community policing at its best through her concern for the children, her willingness to listen and provide information to the citizens, and her exceptional dedication to her position regardless of the weather conditions; and

WHEREAS, Mrs. Yancey has constantly shown support and encouragement to all of her co-workers while always demonstrating a positive attitude; and

WHEREAS, Mrs. Yancey has displayed a high level of dependability, diligence and professionalism while always striving for excellence and going beyond the call of duty; and

WHEREAS, Chesterfield County and the Board of Supervisors will miss Mrs. Yancey's diligent service.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 26th day of January 2005, publicly recognizes Mrs. Camelia C. Yancey and extends on behalf of its members and the citizens of Chesterfield County appreciation for her dedicated service to the county, congratulations upon her retirement, and best wishes for a long and happy retirement.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Mrs. Yancey, and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Miller presented the executed resolution and a Jefferson Cup to Mrs. Yancey, accompanied by her husband, Colonel Baker and Mr. Stith, expressed appreciation for her dedicated service and congratulated her on her retirement.

Mr. Stith commended Mrs. Yancey for her dedicated service and thanked her for providing 26 years of safety to Chesterfield students.

Mrs. Yancey stated it has been a pleasure to work with the wonderful children for 26 years.

6. WORK SESSION

o PROPOSED FY2006-2011 CAPITAL IMPROVEMENT PROGRAM

Mr. Jay Payne, Budget Manager, presented a 2004 bond referendum update. He reviewed approval ratings in each of the categories and projects to be financed with bonds authorized through the 2004 bond referendum. He then presented an overview of the proposed FY2006-2011 Capital Improvement Program (CIP). He reviewed a comparison of debt ratio and debt service expenditures and the composition of the proposed CIP, totaling \$674,064,200. He reviewed

proposed CIP county only revenue and expenditure summaries and highlighted revisions proposed in the FY2006-2011 CIP.

Mrs. Humphrey expressed concerns relative to \$1.6 million being proposed to purchase right of way for the Powhite Parkway Extension through Magnolia Green.

Mr. McCracken stated zoning conditions approved with the Magnolia Green development required the developer to dedicate 120 feet of right of way and reserve an additional 80 feet for an interchange at a fixed price, indicating that the county was given 15 years to exercise its option to acquire the additional right of way. He further stated staff has not met with the developer to see if he would be willing to extend the time period for the county to exercise its option.

Mrs. Humphrey suggested that staff meet with the developer to discuss an extension of the option prior to tying up \$1.6 million in road funds.

Mr. Stith stated staff will contact the developer to discuss not only the extension, but also whether the developer is willing to donate an additional portion of the 80 feet set aside for the county to purchase.

In response to Mr. Miller's question, Mr. McCracken stated he believes the zoning condition specified a sales price range of approximately \$14,000 to \$20,000 per acre.

Mr. Warren inquired about the timing of completion of the Route 360 widening project.

Mr. McCracken expressed frustrations with the Virginia Department of Transportation (VDOT) regarding the Route 360 widening project. He stated the project began in 1999 under contract with the state, and the county has had to break it up into phases. He further stated the county had hoped to complete at least the westbound widening this year. He stated VDOT wants the county to wait until the utilities are relocated before advertising the project, indicating that this will delay completion of the project. He further stated developers have already provided an additional westbound lane on Route 360 and staff has been trying since October 2004 to get VDOT to re-stripe the lane so that it can be used. He stated the Board appropriated funds in November 2004 for gaps to be filled in on the eastbound lane so that a third eastbound lane could begin functioning while awaiting construction of the larger project. He further stated the eastbound lane should be complete within a few weeks, but once again the county will have to wait for VDOT to re-stripe the lane and provide minor signal adjustments. He stated staff will meet with consultants on January 28th to move forward on the bond referendum project, indicating that the county approached the state in October 2004 regarding reimbursement for funds being used for road projects, but has had no success to date. He further stated he estimates that the county's eastbound project will be completed by 2006, but he cannot provide details regarding completion of the state project that began in 1999.

Mr. Miller expressed concerns regarding the issue of reimbursement from VDOT.

Mr. McCracken noted the county's legislative delegation has introduced a bill to assist the county with reimbursement for road improvements. He stated, in the past, VDOT has honored its reimbursement commitments for road projects and expressed concerns that this is no longer happening.

Mrs. Humphrey expressed concerns that Chesterfield is not being treated fairly by VDOT and requested that Mr. Ramsey and Mr. McCracken set up a meeting with the county's legislative delegation while the General Assembly is in session to bring this information to their attention.

Mr. Barber requested that a comprehensive list be prepared highlighting the county's frustrations with VDOT not cooperating with local government.

7. DEFERRED ITEMS

There were no deferred items at this time.

8. NEW BUSINESS

8.A. APPOINTMENTS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board suspended its rules at this time to allow for simultaneous nomination/appointment of a member to serve on the Youth Services Citizen Board.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

o YOUTH SERVICES CITIZEN BOARD

On motion of Mr. King, seconded by Mr. Warren, the Board simultaneously nominated/appointed Mr. Steve Maltempi, adult representative of the Bermuda District, to serve on the Youth Services Citizen Board, whose term is effective immediately and expires June 30, 2007.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.B. STREETLIGHT INSTALLATION COST APPROVAL

Mr. McElfish stated the installation process for the requested streetlight is very expensive because there are no power lines close by, and the line must go beneath paved ditches, roads and concrete driveways in order to complete the streetlight installation.

Mr. Miller expressed concerns relative to the cost of the proposed streetlight, but stated there are safety justifications for the request.

Mr. Miller then made a motion, seconded by Mr. King, for the Board to approve the following streetlight installation in the Meadowbrook Farm Subdivision:

- Intersection of Country Manor Lane and Country Manor Way
Cost to install streetlight: \$7,895.64

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C. CONSENT ITEMS

The following items were removed from the Consent Agenda by the Board for public comment: Item 8.C.6., Request to Aid G.B.S. Holding, Limited in the Acquisition of Offsite Water and Temporary Construction Easements for Hallsley Subdivision; Item 8.C.10.a., Transfer of District Improvement Funds from the Clover Hill, Matoaca and Midlothian District Improvement Funds to the School Board to Fund a Tutoring Program for Remedial Students at Crenshaw Elementary School; and Item 8.C.10.c., Transfer of District Improvement Funds from the Bermuda, Clover Hill, Dale, Matoaca and Midlothian District Improvement Funds to the School Board to Purchase Sports Equipment and Uniforms for Community High School.

8.C.1. APPROPRIATION OF JUVENILE ACCOUNTABILITY BLOCK GRANT FUNDS FROM THE DEPARTMENT OF CRIMINAL JUSTICE SERVICES

On motion of Mr. Miller, seconded by Mr. King, the Board authorized Human Services Administration to receive \$38,267 in Juvenile Accountability Block Grant (JABG) funds from the Department of Criminal Justice Services and authorized an increase in appropriations by \$38,267. (It is noted the \$4,251 local match has been identified from Virginia Juvenile Community Crime Control Act (VJCCCA) funds.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.2. AMENDMENT OF A RESOLUTION RELATING TO AGREEMENTS FOR ACQUISITION OF REAL PROPERTY IN THE MEADOWVILLE TECHNOLOGY PARK BY THE INDUSTRIAL DEVELOPMENT AUTHORITY FOR ECONOMIC DEVELOPMENT AND OTHER PUBLIC PURPOSES

On motion of Mr. Miller, seconded by Mr. King, the Board adopted the following amended resolution:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CHESTERFIELD, VIRGINIA, APPROVING THE AMENDMENT AND RESTATEMENT OF MEADOWVILLE DEVELOPMENT AGREEMENT TO PROVIDE THAT THE PARTIES TO THE SAME SHALL BE THE COUNTY AND THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY, TO PROVIDE FOR THE FINANCING OF THE ACQUISITION OF REAL PROPERTY FOR THE PROPOSED MEADOWVILLE TECHNOLOGY PARK, INCLUDING AREAS TO BE PRESERVED AS WETLANDS AND USED TO BUILD A SYSTEM OF STREETS AND ROADS AND OTHER INFRASTRUCTURE IMPROVEMENTS WITHIN THE PARK AND CERTAIN INFRASTRUCTURE IMPROVEMENTS THROUGH THE ISSUANCE BY SUCH AUTHORITY OF NOT TO EXCEED \$20,000,000 PRINCIPAL AMOUNT OF ITS REVENUE BONDS AND TO PROVIDE THAT AS SECURITY FOR THE PAYMENT OF DEBT SERVICE ON SUCH AUTHORITY REVENUE BONDS, THE COUNTY WOULD AGREE TO MAKE PAYMENTS ON BEHALF OF SUCH AUTHORITY IN AN AMOUNT EQUAL TO DEBT SERVICE

ON SUCH REVENUE BONDS, SUCH PAYMENTS BY THE COUNTY TO BE SUBJECT TO ANNUAL APPROPRIATION BY THE BOARD OF SUPERVISORS; APPROVING THE AMENDMENT OF OTHER EXISTING OPTION AGREEMENTS AND APPROVING A SUPPORT AGREEMENT FOR THE ACQUISITION BY SUCH AUTHORITY OF AN ADDITIONAL PARCEL IN SUCH PARK; AND APPROVING THE PREPARATION OF OTHER DOCUMENTS FOR USE BY SUCH AUTHORITY IN CONNECTION WITH THE AUTHORIZATION, ISSUANCE, SALE AND DELIVERY OF AND SECURITY FOR SUCH AUTHORITY'S REVENUE BONDS

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CHESTERFIELD, VIRGINIA:

SECTION 1. Findings and Determinations. The Board of Supervisors (the "Board of Supervisors") of the County of Chesterfield, Virginia (the "County"), hereby finds and determines as follows:

(a) Commencing in 1997, the Industrial Development Authority of the County of Chesterfield (the "IDA"), at the request of the County, has entered into various agreements with property owners pursuant to which the IDA has been granted options to purchase undeveloped real property for the proposed Meadowville Technology Park ("Meadowville Technology Park" or the "Park"), which is located in the Bermuda Magisterial District adjacent to the James River in Chesterfield County, Virginia.

(b) It is contemplated that the proposed Park would be developed as an industrial and office park, with an emphasis on clean, high-tech industries and that parcels of real property would be sold or dedicated to businesses over time to construct offices, manufacturing/ assembly plants, logistical support and related technology facilities within the Park. Portions of the area encompassing the Park would be preserved as wetlands or used to build a system of streets and roads and other infrastructure improvements within the Park, including an interchange with Interstate I-295.

(c) The first such agreement was a Development Agreement, dated December 12, 1997 (the "Meadowville Development Agreement" or the "Development Agreement"), by and between with the IDA and Meadowville L.L.C., covering approximately 1,000 acres of unencumbered land.

(d) Pursuant to the exercise of options granted under the Meadowville Development Agreement, to date, the IDA has acquired approximately 142 acres of real property within the area to be encompassed by the proposed Park.

(e) In addition to the options granted to it under the Meadowville Development Agreement, the IDA has entered into option agreements with H.Gordon Peters granting the IDA the option to purchase approximately 33 acres of real property, with George P. Emerson, Jr. et al. granting the IDA the option to purchase approximately 145.5 acres of real property and with James Associates granting the IDA the option to purchase approximately 48 acres of real property.

(f) The option agreements grant the IDA the option to purchase real property from time to time contingent upon sufficient funding levels being available.

(g) The County has in the past adopted budgets with sufficient funding to satisfy terms of the option agreements. The IDA has from time to time exercised the right to acquire property through the options and now owns approximately 158 of approximately 1,227 acres associated with the options.

(h) The County recently evaluated its position in respect to the option agreements and has found it would be beneficial to the County for the IDA to acquire the remaining approximately 1,069 acres within the area encompassing the proposed Park from the respective property owners at the present time rather than continuing to purchase real property pursuant to the terms of the existing option agreements from time to time.

(i) In addition, the County has determined that, by renegotiating the existing Meadowville Development Agreement and the other existing option agreements, such remaining 1,069 acres can be purchased now for an aggregate purchase price of substantially less than the option prices currently provided for in the existing Meadowville Development Agreement and the other existing option agreements.

(j) The early purchase by the IDA provides the IDA complete control of the property in the Park.

(k) Furthermore the County finds it beneficial for the IDA to acquire the approximately 100 acre Coons parcel, to be included in the Park.

(l) The County Administrator finds it beneficial for the IDA to include certain improvements with the financing for the acquisition of real property.

(m) The County can provide financial support to the IDA for the financing for the acquisition of real property and certain infrastructure improvements in an amount approximately equal to or less than that necessary to maintain the existing option agreements.

(n) In order to finance the acquisition of the remaining acres of real property within the area encompassing the proposed Meadowville Technology Park and the approximately 100 acre Coons parcel, including the areas to be preserved as wetlands and used to build a system of streets and roads and other infrastructure improvements within the Park, and to finance certain infrastructure improvements, it is contemplated that the IDA would issue its revenue bonds (the "IDA Revenue Bonds") in a principal amount of not to exceed \$20 million, including costs of issuance of the financing, and that, as security for the payment of the debt service on the IDA Revenue Bonds, the County would agree to make payments on behalf of the IDA on a periodic basis in accordance with the provisions of an amended and restated Development Agreement (the "Amended and Restated Development Agreement") in an amount equal to the debt service on the IDA Revenue Bonds, together with related initial and ongoing commitment and other fees and expenses and other amounts payable to the provider of any related standby bond purchase agreement or other liquidity facility (the "liquidity facility"), to the trustee for the IDA Revenue Bonds and to the remarketing agent for the IDA Revenue Bonds and together with the costs of the premiums for any insurance required by the provisions of the Amended and Restated Development

Agreement, the agreement of the County with respect to such payments to be more fully provided for in the trust indenture or agreement and related documents providing for the issuance and security for the IDA Revenue Bonds, such payments by the County to be subject to annual appropriation by the Board of Supervisors.

(o) The payment obligations of the County under the Amended and Restated Development Agreement would be structured such that the County's annual payments would be approximately equal to, or less than, the amounts the IDA, on behalf of the County, is currently obligated to pay under the existing Meadowville Development Agreement and the other existing option agreements.

(p) By adoption of this resolution, the Board of Supervisors has determined to approve the amendment and restatement of the Meadowville Development Agreement, the amendment of the other existing option agreements and the support agreement for the IDA acquisition agreement for real property for the Coons parcel, to authorize the County Administrator to prepare disclosure documents for use by the IDA in connection with the authorization, issuance, sale and delivery of the IDA Revenue Bonds, to authorize the County Administrator to execute and deliver the Amended and Restated Development Agreement and the support agreement for the IDA acquisition of real property for the Coons parcel and all other documents as shall be necessary or appropriate to consummate the acquisition of the remaining approximately 1,069 acres of real property for the proposed Meadowville Technology Park and to finance such acquisition, including the areas to be preserved as wetlands and used to build a system of streets and roads and other infrastructure improvements, and to finance certain infrastructure improvements and appropriate up to \$150,000 from the Industrial Park Reserve for a portion of the associated real estate closing costs (including, without limitation, boundary surveys and legal descriptions, recordation fees, title insurance and environmental assessments).

SECTION 2. Approval of Amendment and Restatement of Meadowville Development Agreement; Authorization of Execution and Delivery of Amended and Restated Meadowville Development Agreement. The Board of Supervisors hereby approves the amendment and restatement of the Meadowville Development Agreement in its entirety (as amended and restated the "Amended and Restated Development Agreement"), among other things, (a) to provide that the parties to the Amended and Restated Development Agreement shall be the County and the IDA, (b) to provide for the financing of the acquisition of the remaining acres of real property within the area encompassing the proposed Meadowville Technology Park and the approximately 100 acre Coons parcel, including the areas to be preserved as wetlands and used to build a system of streets and roads and other infrastructure improvements within the Park, and certain infrastructure improvements, it being contemplated that the IDA would issue the IDA Revenue Bonds (as hereinbefore defined) in a principal amount of not to exceed \$20 million, including costs of issuance of the financing, and (c) to provide that, as security for the payment of the debt service on the IDA Revenue Bonds, the County would agree to make payments on behalf of the IDA on a periodic basis in

accordance with the provisions of the Amended and Restated Development Agreement in an amount equal to the debt service on the IDA Revenue Bonds, together with related initial and ongoing commitment and other fees and expenses and other amounts payable to the provider of any related liquidity facility (as hereinbefore defined), to the trustee for the IDA Revenue Bonds and to the remarketing agent for the IDA Revenue Bonds and together with the costs of the premiums for any insurance required by the provisions of the Amended and Restated Development Agreement, the agreement of the County with respect to such payments to be more fully specified in the trust indenture or agreement and related documents providing for the issuance and security for the IDA Revenue Bonds, such payments by the County to be subject to annual appropriation by the Board of Supervisors; *provided, however,* that (i) the IDA Revenue Bonds shall not mature later than thirty (30) years after their date, (ii) the maximum rate of interest payable on the IDA Revenue Bonds or with respect to any obligations under the liquidity facility shall not exceed fifteen per centum (15.00%) per annum and (iii) the premium, if any, payable upon the redemption of the IDA Revenue Bonds shall not be greater than three percent (3.00%). The County Administrator is hereby authorized to execute and deliver the Amended and Restated Development Agreement in such form as shall be consistent with the provisions of this Section 2 and as shall be approved by counsel to the County (including the County Attorney or Bond Counsel to the County), such approval to be evidenced by the execution of the Amended and Restated Development Agreement by the County Administrator.

SECTION 3. Approval of Amendment to Other Existing Option Agreements and Support Agreement for the Acquisition of the Coons Parcel. The Board of Supervisors hereby approves the amendment of the other existing option agreements by and between the IDA and the owners of various parcels within the area encompassed by the proposed Meadowville Technology Park and a support agreement by and between the County and the IDA in connection with the acquisition of the Coons parcel by the IDA. The County Administrator is hereby authorized to execute and deliver a support agreement by and between the County and the IDA in connection with the acquisition of the Coons parcel by the IDA in such form as shall be consistent with the provisions of this Section 3 and as shall be approved by counsel to the County (including the County Attorney or Bond Counsel to the County), such approval to be evidenced by the execution of the support agreement by the County Administrator.

SECTION 4. Approval of Preparation and Execution and Delivery of Disclosure and Other Documents for Use by the IDA in Connection with the Authorization, Issuance, Sale and Delivery of and Security For the IDA Revenue Bonds. The Board of Supervisors hereby approves the preparation and execution on behalf of the County by the County Administrator or other officials of the County of disclosure and other documents for use by the IDA in connection with the authorization, issuance, sale and delivery of and security for the IDA Revenue Bonds in such form as shall be consistent with the provisions of this resolution and as shall be approved by counsel to the County (including the County Attorney or Bond Counsel to the County), such approval to be conclusively evidenced by the

execution thereof by the County Administrator or other officials of the County.

SECTION 5. Further Action. The County Administrator or any Deputy County Administrator, the County Attorney, the Director of Budget and Management, the Director of Accounting, the County Treasurer and the Clerk of the Board of Supervisors, or any of them, are hereby authorized to take all such further action as they, or any of them, shall deem to be necessary and desirable to carry out the purposes of and to consummate the transactions contemplated by this resolution.

SECTION 6. Invalidity of Sections, Paragraphs, Clauses or Provisions. If any section, paragraph, clause or provision of this resolution shall be held invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining portions of this resolution.

SECTION 7. Headings of Sections. The headings of the sections of this resolution shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of such sections or of this resolution.

SECTION 8. Effective Date. This resolution shall take effect upon its adoption.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.3. ADOPTION OF RESOLUTIONS

8.C.3.a. RECOGNIZING LIEUTENANT ROBERT C. PRIDEMORE, POLICE DEPARTMENT, UPON HIS RETIREMENT

On motion of Mr. Miller, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Lieutenant Robert C. Pridemore will retire from the Chesterfield County Police Department on February 1, 2005, after providing 21 years of quality service to the citizens of Chesterfield County; and

WHEREAS, Lieutenant Pridemore has faithfully served the county in the capacity of Patrol Officer, Investigator, Sergeant, and Lieutenant; and

WHEREAS, Lieutenant Pridemore was selected as "Rookie of the Year" in 1984; and

WHEREAS, during his tenure, Lieutenant Pridemore has served as an Alcohol Breathalyzer Operator, Marine Patrol Officer, Field Training Officer, DCJS General Instructor, and as a member of the Crash Team for Fatal Accident Investigation and Reconstruction; and

WHEREAS, Lieutenant Pridemore, as a Police Chaplain Liaison, was instrumental in the development of basic recruit and in-service officer training in delivering death

notifications, and the creation and use of a death notification information brochure; and

WHEREAS, Lieutenant Pridemore served as the Assistant Ground Search and Rescue Coordinator, and later served as the Lead Coordinator for the Police Department; and

WHEREAS, Lieutenant Pridemore served on the Advisory Group for the Virginia State Police Group 1-B Central Virginia Narcotics Task Force, the Drug Enforcement Administration's Richmond Area Point of Contact Group, and the Richmond Area Regional Narcotics Analysts Group; and

WHEREAS, Lieutenant Pridemore participated as a supervisor and as a team member in numerous drug surveillances and the execution of search warrants, leading to the seizure of drugs and the arrest of subjects involved in the distribution of illegal drugs in Chesterfield County and surrounding jurisdictions; and

WHEREAS, Lieutenant Pridemore received a Unit Citation Award while serving as supervisor for the Vice/Narcotics Unit for conducting a large drug investigation during 2003, when the unit worked with Circuit Court Judges and Commonwealth's Attorneys to conduct numerous arrests, resulting in one of the largest methamphetamine seizures in the history of the Chesterfield County Police Department; and

WHEREAS, Lieutenant Pridemore has received numerous letters of thanks and appreciation for service rendered from the citizens of Chesterfield County; and

WHEREAS, Lieutenant Pridemore has provided the Chesterfield County Police Department with many years of loyal and dedicated service, and Chesterfield County and the Board of Supervisors will miss his diligent service.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes Lieutenant Robert C. Pridemore, and extends on behalf of its members and the citizens of Chesterfield County, appreciation for his service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.C.3.b. RECOGNIZING THE FIFTH ANNIVERSARY OF THE
CHESTERFIELD COUNTY CHAMBER OF COMMERCE**

On motion of Mr. Miller, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, one of Chesterfield County's eight strategic goals is "To be the first choice business community"; and

WHEREAS, Chesterfield County government values the many positive contributions of the business community; and

WHEREAS, these contributions include providing needed goods and services, employment opportunities, a tax base that

helps maintain the county's extraordinary quality of life, and more; and

WHEREAS, the Chesterfield County Chamber of Commerce is now in its fifth year of service to the businesses and communities of Chesterfield County; and

WHEREAS, The Chesterfield County Chamber of Commerce supports the growth of county businesses and the creation of jobs, provides resources to help county businesses succeed, promotes the welfare of all citizens, and connects county citizens with the business community; and

WHEREAS, this growing organization now has more than 500 members; and

WHEREAS, these members include small, medium and larger businesses located in the county; and

WHEREAS, the Board of Directors and Executive Committee of the Chesterfield County Chamber of Commerce represent a wide range of businesses, from banking and insurance to restaurants, accounting firms, publishers, retailers and more; and

WHEREAS, the Chesterfield County Chamber of Commerce endeavors to improve the ability of its members to succeed and has conducted such things as classes in conversational Spanish and other learning opportunities to enable chamber members to interact with the county's diverse populations; and

WHEREAS, the Chesterfield County Chamber of Commerce regularly hosts a variety of networking events that provide its members with the opportunity to share ideas and resources and to learn from each other in order to be mutually successful; and

WHEREAS, in these ways and others, the Chesterfield County Chamber of Commerce is a strong voice for business and a link between businesses and the community; and

WHEREAS, this Board of Supervisors, on behalf of the citizens of Chesterfield County, appreciates the efforts of the Chesterfield County Chamber of Commerce on behalf of Chesterfield County businesses and the community.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the important contributions of the Chesterfield County Chamber of Commerce, extends its appreciation to the chamber and its members, and wishes the Chesterfield County Chamber of Commerce and its membership continued success.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.4. APPROVAL OF CHANGE ORDER FOR THE REPAIRS TO THE FALLING CREEK DAM CONTRACT

On motion of Mr. Miller, seconded by Mr. King, the Board approved Change Order number one, in the amount of \$98,298,

to the contract for repairs to the Falling Creek Dam, and authorized the County Administrator to execute the necessary documents.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.5. ACCEPTANCE OF PARCELS OF LAND

8.C.5.a. ALONG THE SOUTH RIGHT OF WAY LINE OF POWHITE PARKWAY FROM WATERCROSS DEVELOPMENT, INCORPORATED

On motion of Mr. Miller, seconded by Mr. King, the Board accepted the conveyance of a parcel of land containing 0.502 acres along the south right of way line of Powhite Parkway (State Route 76) from Watercross Development, Incorporated, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.5.b. ALONG THE WEST RIGHT OF WAY LINE OF CHARTER COLONY PARKWAY FROM COLONY CROSSING, LLC

On motion of Mr. Miller, seconded by Mr. King, the Board accepted the conveyance of a parcel of land containing 0.203 acres along the west right of way line of Charter Colony Parkway (State Route 754) from Colony Crossing, LLC, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.5.c. ALONG THE EAST RIGHT OF WAY LINE OF JEFFERSON DAVIS HIGHWAY FROM KATHRYN C. FRATARCANGELO AND D AND S PROPERTIES, LLC

On motion of Mr. Miller, seconded by Mr. King, the Board accepted the conveyance of a parcel of land containing 0.046 acres along the east right of way line of Jefferson Davis Highway (US Route 1 and 301) from Kathryn C. Fratacangelo and D and S Properties, LLC, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.7. REQUEST FOR PERMISSION FROM RENE S. AND DENANA HEIDLER FOR A PROPOSED FENCE TO ENCROACH WITHIN AN EIGHT-FOOT EASEMENT ACROSS LOT 52, EDGEWATER AT THE RESERVOIR

On motion of Mr. Miller, seconded by Mr. King, the Board approved a request from Rene S. Heidler and Denana Heidler

for permission for a proposed fence to encroach within an eight-foot easement across Lot 52, Edgewater At The Reservoir, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

**8.C.8. APPROPRIATION OF FUNDS FOR THE HALLOWAY AVENUE
SIDEWALK ENHANCEMENT PROJECT**

On motion of Mr. Miller, seconded by Mr. King, the Board appropriated \$483,424 in anticipated Virginia Department of Transportation (VDOT) reimbursements (\$150,000 Open Container and \$333,424 CMAQ) for the Halloway Avenue Sidewalk Enhancement Project, Phase II, and authorized the County Administrator to enter into the necessary environmental permits and award a construction contract, up to \$517,000, to the lowest responsible bidder.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

**8.C.9. AUTHORIZATION FOR COUNTY ADMINISTRATOR TO APPLY FOR
A HAZARD MITIGATION GRANT TO ACQUIRE PROPERTIES
FLOODED BY TROPICAL STORM GASTON**

On motion of Mr. Miller, seconded by Mr. King, the Board authorized the County Administrator to apply for a Hazard Mitigation Grant to acquire properties on Hudswell Lane flooded by Tropical Storm Gaston, with a stipulation that no county funds would be expended on any of the acquisitions.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

8.C.10. TRANSFER OF DISTRICT IMPROVEMENT FUNDS

**8.C.10.b. FROM THE MIDLOTHIAN DISTRICT IMPROVEMENT FUND TO
THE SCHOOL BOARD TO DEFRAY THE COSTS OF PRODUCING
A VIDEO OF THE HISTORY OF MIDLOTHIAN TO BE HOUSED
AT THE MID-LOTHIAN MINES PARK MUSEUM**

On motion of Mr. Miller, seconded by Mr. King, the Board transferred \$600 from the Midlothian District Improvement Fund to the School Board to defray the costs of producing a video of the history of Midlothian to be housed at the Midlothian Mines Park Museum.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

The following items were removed from the Consent Agenda for public comment:

**8.C.6. REQUEST TO AID G.B.S. HOLDING, LIMITED IN THE
ACQUISITION OF OFFSITE WATER AND TEMPORARY
CONSTRUCTION EASEMENTS FOR HALLSLEY SUBDIVISION**

Mr. George Beadles expressed concerns that residents in the path of the water line will be able to connect to public water and only have to pay a connection fee. He stated, if the subdivision was not being built, the residents would have to be a part of an assessment district and pay a percentage of the cost of constructing the water line.

No one else came forward to speak to the issue.

Mr. Micas stated the water line construction is being completed with private funds, and the citizens who will benefit from this will be required to pay a connection fee as well as a fee for the service line from their property to the public line.

Mr. Barber stated the county is not providing any service to the residents who might benefit from this water line extension.

Mr. Barber then made a motion, seconded by Mr. Warren, for the Board to authorize Right of Way staff to aid G.B.S. Holding, Limited in the acquisition of water and temporary construction easements to serve the Hallsley Subdivision, subject to the developer executing a contract agreeing to pay all costs.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.C.10.a. FROM THE CLOVER HILL, MATOACA AND MIDLOTHIAN
DISTRICT IMPROVEMENT FUNDS TO THE SCHOOL BOARD TO
FUND A TUTORING PROGRAM FOR REMEDIAL STUDENTS AT
CRENSHAW ELEMENTARY SCHOOL**

Mr. George Beadles expressed concerns that grant funding was not available for the tutoring program at Crenshaw Elementary because the grant application was not submitted in a timely manner.

No one else came forward to speak to the request.

Mrs. Humphrey stated the grant funding was not secured because of a change in the deadline for submittal of the grant application. She further stated, when the principal of Crenshaw Elementary realized the funding would not be available, he came to her and provided details regarding the success of the program, indicating that approximately 150 children rely on the program to improve their SOL scores. She stated she supports the requested action to enhance the reading skills of the students.

Mrs. Humphrey then made a motion, seconded by Mr. King, for the Board to transfer \$2,500 each (\$7,500 total) from the Clover Hill, Matoaca and Midlothian District Improvement Funds to the School Board to fund a tutoring program for remedial students at Crenshaw Elementary School.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.10.c. FROM THE BERMUDA, CLOVER HILL, DALE, MATOACA AND MIDLOTHIAN DISTRICT IMPROVEMENT FUNDS TO THE CHESTERFIELD COUNTY SCHOOL BOARD TO PURCHASE SPORTS EQUIPMENT AND UNIFORMS FOR COMMUNITY HIGH SCHOOL

Mr. George Beadles expressed concerns that sports equipment and uniforms are not funded in the School budget if sports and recreation enhances the school curriculum.

No one else came forward to speak to the request.

Mr. King stated Community High School serves challenged kids with unique problems from all five districts and is unique because it is in the "A" Division as a result of its day enrollment numbers; therefore, the students must travel all over the state to compete in sports activities. He further stated the concession stands cannot produce enough profit to pay for both travel expenses and uniforms. He noted several Community High School students have obtained basketball scholarships, and he feels the students are worthy of the Board's participation in affording them the same opportunities as students in the other county high schools.

Mr. King then made a motion, seconded by Mr. Warren, for the Board to transfer \$15,000 in District Improvement Funds (\$3,000 per district) to the Chesterfield County School Board to purchase sports equipment and uniforms for Community High School.

Mr. Warren thanked Mr. Beadles for contributing to the county's democratic process.

Mr. Barber called for a vote on the motion of Mr. King, seconded by Mr. Warren, for the Board to transfer \$15,000 in District Improvement Funds (\$3,000 per district) to the Chesterfield County School Board to purchase sports equipment and uniforms for Community High School.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.C.9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

There were no hearings of citizens on unscheduled matters or claims at this time.

10. REPORTS

10.A. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS

10.B. REPORT ON STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

On motion of Mrs. Humphrey, seconded by Mr. Miller, the Board accepted a Report on Developer Water and Sewer Contracts and a Report on the Status of General Fund Balance, Reserve for

Future Capital Projects, District Improvement Funds and Lease Purchases.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

11. DINNER

On motion of Mr. Miller, seconded by Mr. King, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Reconvening:

12. INVOCATION

Reverend Donna Tucker, Associate Minister, Tabernacle Baptist Church gave the invocation.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Retired U.S. Marine Corps Major Don Kappel led the Pledge of Allegiance to the flag of the United States of America.

14. RESOLUTIONS AND SPECIAL RECOGNITIONS

o RECOGNIZING FOREST VIEW VOLUNTEER RESCUE SQUAD FOR FIFTY YEARS OF SERVICE

Chief Mauger introduced members of Forest View Volunteer Rescue Squad who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, in 1955 the Forest View Volunteer Rescue Squad was organized by a group of concerned citizens to serve their area of Chesterfield County and Southside Richmond; and

WHEREAS, the group, consisting of Mr. Rudolph Cavan, Mr. T. M. Crowder, Mr. R. T. Huband, Mr. V. P. Motley, Mr. W. S. Parker, Mr. F. D. Porter Sr., Mr. F. D. Porter Jr., Mr. Walter Reams, and Mr. B. C. Walthall met and formally organized on July 14, 1955; and

WHEREAS, on July 14, 1955, the squad purchased its first ambulance, a 1946 Buick hearse, which was converted to an ambulance and put in service from a chicken house donated to the squad by the Wise Construction Company; and

WHEREAS, the squad's first call came in 1956 when two of the original nine members assisted a lady having seizures at the Sunset Drive-In Theater; and

WHEREAS, in 1956, the squad responded to 85 calls for service and the membership of the squad grew to 41, with two ambulances in service; and

WHEREAS, on May 20, 1963, the squad moved from the chicken house to a modern new building at 5327 Forest Hill Avenue; and

WHEREAS, continued growth in northern Chesterfield County prompted an additional building which was located on Grove Road and dedicated as Station 2 in June of 1981; and

WHEREAS, as calls continued to increase, the need for a third station was identified, and a new station was built and dedicated on December 15, 1991 at 8008 Midlothian Turnpike and became Station 3; and

WHEREAS, as the Forest View Volunteer Rescue Squad begins their 50th year of service, the squad has grown to a membership of 112 members and a fleet of ten vehicles, providing quality emergency medical care to the citizens of Chesterfield County and the City of Richmond; and

NOW, THEREFORE, IT BE RESOLVED, that the Chesterfield County Board of Supervisors, this 26th day of January 2005, publicly recognizes the 50th anniversary of the Forest View Volunteer Rescue Squad and expresses the appreciation of all residents to its volunteers for their service to the county.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to the Forest View Volunteer Rescue Squad and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Barber presented the executed resolution to Mr. Rick Morrow, accompanied by Chief Mauger, former Chief Stephen Elswick and members of the Forest View Volunteer Rescue Squad, and expressed appreciation to the squad members for their dedicated service as well as the wonderful relationship they have with county staff.

Mr. Morrow expressed appreciation to the Board for the recognition and also for the county's support and collaboration over the years.

o **LEGISLATIVE UPDATE**

Mr. Barber requested that Ms. Curtin come forward to provide an update on General Assembly activities.

Ms. Curtin stated a budget amendment has been proposed relative to funding of the car tax relief program, and the fate of this amendment will be known on February 6th. She further stated two bills have been introduced that could impact the county's cash proffer authority - one that would not allow localities to seek or accept payment of any cash proffer prior to the issuance of a building permit; and another that would require that cash proffers not spent

within five years to be turned over to the State Literary Fund. She stated both of those bills will be heard next week in sub-committee and probably by the end of the week in full committee. She further stated a number of bills introduced relative to the group home issue by both Senator Martin and Delegate Nixon should be heard in committee early next week.

In response to Mr. Miller's question, Ms. Curtin stated we are getting a lot of support from other jurisdictions for the bills that have been introduced relative to group homes.

Mr. Barber expressed concerns relative to the necessity to spend cash proffers within five years, indicating that it would be impossible to accumulate enough cash proffers in five years to have an impact on a major project. He requested that Ms. Curtin communicate to the county's legislative delegation that protection of cash proffer authority is our top priority.

15. REQUESTS FOR MOBILE HOME PERMITS AND REZONING PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE FOLLOWING ORDER:
- WITHDRAWALS/DEFERRALS - CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION
- CASES WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION WILL BE HEARD AT SECTION 17

04SN0227

In Dale Magisterial District, GELLETLY & ASSOC. requests rezoning and amendment of zoning district map from Agricultural (A), Residential Townhouse (R-TH) and Light Industrial (I-1) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit use and bulk exceptions. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 166.4 acres fronting in four (4) places for approximately 4,500 feet on the north line of Courthouse Road, fronting approximately 1,250 feet on the east line of Doublecreek Court and also fronting approximately 6,600 feet on the south line of Route 288 and located in the northeast quadrant of the intersection of Courthouse Road and Doublecreek Court. Tax IDs 763-670-8636, 765-668-7392, 766-668-4150, 767-666-7026 and 767-667-5055 (Sheets 17 and 25).

Mr. Turner stated the applicant has requested a deferral until April 26, 2005.

Mr. Andy Scherzer, representing the applicant, requested a deferral until April 26, 2005.

Mr. Barber called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. Miller, seconded by Mr. Warren, the Board deferred Case 04SN0227 until April 26, 2005.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

04SR0250

In Dale Magisterial District, DOUGLAS J. AND DEBORAH A. HACKMAN request renewal of Conditional Use Planned Development (Case 03SR0100) and amendment of zoning district map to permit office use and exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 - 2.5 units per acre. This request lies in an Agricultural (A) District on 7.2 acres fronting approximately 670 feet on the west line of Newbys Bridge Road approximately 200 feet south of Sunny Grove Road. Tax IDs 758-681-2847 and Part of 4279 (Sheet 17).

Mr. Turner stated the applicant has requested a deferral until March 9, 2005.

Mr. Andy Scherzer, representing the applicant, requested a deferral until March 9, 2005.

Mr. Barber called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. Miller, seconded by Mr. King, the Board deferred Case 04SR0250 until March 9, 2005.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0127

In Matoaca Magisterial District, FOX CREEK DEVELOPMENT, INC. requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 6.6 acres lying approximately 3,150 feet off the south line of Woolridge Road, measured from a point approximately 750 feet west of Fox Club Parkway. Tax ID 714-674-1733 (Sheet 15).

Mr. Turner stated Mrs. Humphrey has requested a deferral until February 23, 2005.

Mr. John Cogbill, representing the applicant, stated the applicant would appreciate a deferral until February 23, 2005.

Mr. Barber called for public comment.

No one came forward to speak to the deferral.

Mrs. Humphrey noted this case was filed after the Board's action to defer all new zoning applications that include residential uses filed after February 11, 2004 in the Upper Swift Creek Plan area for one year.

Mrs. Humphrey then made a motion, seconded by Mr. King, for the Board to defer Case 05SN0127 until February 23, 2005.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0128

In Matoaca Magisterial District, GLEN ABBEY PARTNERS LLC request rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use to permit recreational facilities on up to four (4) acres. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 75.5 acres fronting approximately 510 feet on the northeast line of Otterdale Road approximately 1,620 feet south of Woolridge Road, also fronting approximately 830 feet on the south line of Woolridge Road approximately 2,300 feet east of Otterdale Road. Tax IDs 709-672-8088; 709-673-9924; 710-672-1082; 710-673-1868; and 711-675-0131 (Sheet 15).

Mr. Turner stated Mrs. Humphrey has requested a deferral until February 23, 2005.

Mr. John Cogbill, representing the applicant, stated the applicant would appreciate a deferral until February 23, 2005.

Mr. Barber called for public comment.

No one came forward to speak to the deferral.

Mrs. Humphrey noted this case was filed after the Board's action to defer all new zoning applications that include residential uses filed after February 11, 2004 in the Upper Swift Creek Plan area for one year.

Mrs. Humphrey then made a motion, seconded by Mr. King, for the Board to defer Case 05SN0128 until February 23, 2005.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

04SN0304

In Clover Hill Magisterial District, OMNIPOINT COMMUNICATIONS CAP OPERATIONS, LLC requests Conditional Use and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre or less. This request lies on 1.0 acre fronting approximately twenty-five (25) feet on the north line of South Providence Road across from Poco Drive. Tax ID 755-700-Part of 7767 (Sheet 7).

Mr. Turner presented a summary of Case 04SN0304 and stated the Planning Commission and staff recommended approval subject to conditions.

Mr. Nate Holland, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved Case 04SN0304, subject to the following conditions:

1. There shall be no signs permitted to identify this use. (P)
2. The base of the tower shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground-mounted equipment or structures from adjacent properties. In conjunction with site plan submission, or prior to release of a building permit, whichever occurs first, a landscaping plan depicting this requirement shall be submitted to the Planning Department for review and approval. (P)
3. The developer shall be responsible for correcting any frequency problems which affect the Chesterfield County Communications System caused by this use. Such corrections shall be made immediately upon notification by the Chesterfield County Communications and Electronics staff. (GS)
4. The color and lighting system for the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - b. The tower shall not be lighted.
 - c. The tower shall be a monopole structure with flush-mount antenna arrays and shall be designed to accommodate a maximum of three (3) carriers. (P)
5. Any building or mechanical equipment shall comply with Sections 19-595 and 19-570 (b) and (c) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: Section 19-570 (b) and (c) would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)

6. The tower shall not exceed a height of 150 feet. (P)

7. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0120

In Clover Hill Magisterial District, SHIVELY LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 - 2.5 units per acre or less. This request lies on 4.7 acres fronting approximately 445 feet on the north line of West Alberta Court approximately 275 feet west of Alberta Road. Tax ID 744-678-2312 (Sheet 16).

Mr. Turner presented a summary of Case 05SN0120 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Delmonte Lewis, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved Case 05SN0120 and accepted the following proffered conditions:

1. Public water and wastewater systems shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for infrastructure improvements within the service district for the property:
 - A. \$11,500 per dwelling unit, if paid prior to July 1, 2005; or
 - B. The amount approved by the Board of Supervisors not to exceed \$11,500 per dwelling unit adjusted upward by an increase in the Marshall and Swift building cost index between July 1, 2004, and July 1, of the fiscal year in which the payment is made if paid after June 30, 2005.
 - C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B & M)
3. All dwelling units shall have a minimum gross floor area of 1,200 square feet except for dwelling units with more than one story which shall have a minimum gross floor area of 1,600 square feet. (P)

4. The average lots size shall not be less than 13,609 square feet. (P)
5. No more than eleven (11) residential lots shall be developed on the subject property. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0121

In Bermuda Magisterial District, VENTURE CONSTRUCTION, LLC requests rezoning and amendment of zoning district map from Residential (R-7) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use: neighborhood office and single family residential use. This request lies on 0.5 acre and is known as 3508 West Hundred Road. Tax ID 793-656-2731 (Sheet 26).

Mr. Turner presented a summary of Case 05SN0121 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Dean Hawkins, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved Case 05SN0121 and accepted the following proffered conditions:

1. Uses permitted shall be limited to the following and shall meet Neighborhood Office (O-1) District standards:
 - a) Contractors' Offices and Display Rooms
 - b) Uses permitted by right or with certain restrictions in the Neighborhood Office (O-1) District. (P)
2. Prior to any site plan approval, forty-five (45) feet of right-of-way on the north side of West Hundred Road (State Route 10) shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. Direct access from the property to Route 10 shall be limited to one (1) entrance/exit. The exact location of this entrance/exit shall be determined by the Transportation Department. Prior to any site plan approval, an access easement acceptable to the Transportation Department shall be recorded across the property to provide shared use of this entrance/exit with adjacent properties. (T)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0132

In Bermuda Magisterial District, GEORGE P. EMERSON, JR. requests rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 3.7 acres lying approximately 130 feet off the south line of East Hundred Road across from Rivers Bend Boulevard. Tax IDs 815-652-0203 and Parts of 0632 and 0942 (Sheet 27).

Mr. Turner presented a summary of Case 05SN0132 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Oliver "Skitch" Rudy, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved Case 05SN0132 and accepted the following proffered conditions:

The Owner-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 815-652-0203-00000, part of 815-652-0632-00000, and part of 815-652-0942-00000 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

Transportation:

1. Prior to any site plan approval, a fifty (50) foot wide right of way for a special access street (the "East/West Street") pursuant to section 19-505(b) of the Zoning Ordinance shall be dedicated through the property, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be determined by the Transportation Department. (T)
2. Access to the property shall be limited to the East/West Street and/or the north/south collector (River's Bend Boulevard Extended) located on the adjacent property to the east. The exact location of these accesses shall be determined by the Transportation Department. (T)
3. Prior to the issuance of a certificate of occupancy, the developer shall construct two lanes of the East/West Street through the property. (T)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0133

In Dale Magisterial District, ROCKWOOD TERRACE LLC requests Conditional Use and amendment of zoning district map to permit a model home. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies in a Residential Townhouse (R-TH) District on 0.3 acre lying approximately ninety (90) feet off the east line of Price Club Boulevard, approximately 1,450 feet south of Hull Street Road. Tax ID 748-684-8011 (Sheet 10).

Mr. Turner presented a summary of Case 05SN0133 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Larry Horton, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mr. Miller, seconded by Mr. Warren, the Board approved Case 05SN0133 and accepted the following proffered conditions:

1. A temporary model home (sales office) shall be permitted in a modular office unit provided such unit shall be utilized for a maximum of 180 days from the date of approval of this request. At the end of the 180 days, the modular office unit shall be removed. (P)
2. The model home (sales office) shall only be used to market the development (Rockwood Terrace Townhouses) in which it is located and shall not be used for the sale of lots or houses outside of the development in which it is located. (P)
3. The model home (sales office) shall not be the primary real estate office for the company marketing the development. (P)
4. The model home (sales office) shall be incidental to construction activity taking place within the development (Rockwood Terrace Townhouses). (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SR0194

In Matoaca Magisterial District, DEAN WHITTINGTON requests renewal of manufactured home permit 98SN0159 to park a manufactured home in a Residential (R-7) District. The density of this proposal is approximately 0.038 unit per acre. The Comprehensive Plan suggests the property is appropriate for residential use of one (1) unit per acre or less. This property is known as 20901 Halloway Avenue. Tax ID 782-612-3954 (Sheet 45).

Mr. Turner presented a summary of Case 05SR0194 and stated staff recommended approval for a period not to exceed seven years, subject to conditions.

Mr. Dean Whittington stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

After brief discussion, on motion of Mrs. Humphrey, seconded by Mr. King, the Board approved Case 05SR0194 subject to the following conditions:

1. The applicant shall be the owner and occupant of the manufactured home.
2. Manufactured home permit shall be granted for a period not to exceed seven (7) years from date of approval.
3. No lot or parcel may be rented or leased for use as a manufactured home site nor shall any manufactured home be used for rental property.
4. No additional permanent-type living space may be added onto a manufactured home. All manufactured homes shall be skirted but shall not be placed on a permanent foundation.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Whittington stated he enjoys living in Matoaca.

05SN0103

In Bermuda Magisterial District, FARRISH PROPERTIES, LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Light Industrial (I-1) with Conditional Use to permit Community Business (C-3) uses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 4.1 acres fronting approximately 345 feet on the north line of Old Lane, also fronting approximately 215 feet on the west line of Chester Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 786-665-9988 and 787-665-0867 (Sheets 18 and 26).

Ms. Beverly Rogers presented a summary of Case 05SN0103 and stated staff recommends approval of I-1 zoning but denial of the request for a Conditional Use to permit Community Business (C-3) uses. She noted the I-1 zoning complies with the Jefferson Davis Corridor Plan, but the commercial uses do not comply with the Plan and would generate higher traffic volumes in an area of intersections, which have a high traffic accident count. She stated the Planning Commission recommended approval of the rezoning and Conditional Use, indicating that the I-1 zoning complies with the Plan and that the proffered conditions restrict commercial uses so

that the traffic impact should be minimal compared to the uses that could be located in an I-1 District.

Mr. Dean Hawkins, representing the applicant, stated the subject property is surrounded on at least two sides by existing C-3 uses and the applicant has proffered conditions to restrict the more intensive C-3 uses to address Transportation staff's concerns. He further stated the entrance to serve the subject property will eventually eliminate the service road along Chester Road, making the area better than it currently is.

Mr. Barber called for public comment.

Mr. Bill Young, a resident of Old Lane, expressed concerns relative to additional traffic on Old Lane, indicating that excessive car or truck traffic would devastate Old Lane and create safety issues.

There being no one else to speak to the request, the public hearing was closed.

In response to Mr. King's questions, Mr. Hawkins stated Proffered Condition 7 limits use of 2,000 of the 8,000 gross square feet, and he believes the remainder of the property will be developed as light industrial office-warehouse uses, which will have a much lower density than 8,000 square feet of potential C-3 uses. He further stated Proffered Condition 1 prohibits restaurants with drive-thru service windows and nursery school uses, to alleviate high peak traffic in the area. He stated, once the entrance road to the site is available and the service road is no longer needed, the traffic situation in the area will be much better.

Discussion ensued relative to the property owners' loss of accessibility to their property as a result of the Route 288 construction.

In response to Mrs. Humphrey's question, Mr. Hawkins stated the entrance road will be located directly opposite the entrance to the current day care center and will serve all properties in the entire quadrant, eliminating the need for a service road.

Mr. King stated, although the proposal does not represent an ideal situation, he believes it will be an improvement to the current situation.

Mr. King then made a motion, seconded by Mr. Miller, for the Board to approve Case 05SN0103 and accept the following proffered conditions:

1. The following uses shall not be permitted:
 - a) Cocktail Lounges and Nightclubs.
 - b) Liquor Stores
 - c) Convenience Stores
 - d) Grocery Stores
 - e) Nursery Schools and Adult Care Centers
 - f) Restaurants- with Drive-Thru Service Windows
 - g) Theaters (P)

2. Prior to any site plan approval, forty-five (45) feet of right-of-way along the north side of Old Lane, as measured from the centerline of that part of the road immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the County of Chesterfield. (T)
3. There shall be no direct access from the property to Chester Road. Direct access from the property to Old Lane shall be limited to one (1) entrance/exit. The exact location of this entrance/exit shall be determined by the Transportation Department. Prior to any site plan approval, a right-of-way (or easement), acceptable to the Transportation Department shall be recorded from Old Lane to the adjacent property to the north (GPIN No.: 787-666-1115). (T)
4. Prior to the issuance of an occupancy permit, the Owner/Developer shall be responsible for the construction of additional pavement along Old Lane at the approved access to provide left and right turn lanes, based on Transportation Department standards. The Owner/Developer shall dedicate, free and unrestricted, to and for the benefit of Chesterfield County, any additional right-of-way (or easements) required for these improvements. (T)
5. Public water and wastewater shall be used. (U)
6. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
7. With the exception of a hotel, Community Business (C-3) uses shall be limited to a maximum of 8,000 gross square feet, 2,000 gross square feet of which may be a restaurant, except as specifically excluded herein. If a hotel is developed, no other C-3 uses shall be permitted. Any hotel use shall not include dining or restaurant facilities except for a continental breakfast bar. (P)
8. An eight (8) foot opaque fence shall be installed along the western boundary of Tax ID 787-665-2184. This fence shall be constructed of vinyl/PVC resin. The exact location, design and treatment shall be approved at the time of site plan review. At such time as Tax ID 787-665-2184 is zoned or redeveloped, the fence shall not be required unless such fence is necessary to meet other Ordinance requirements such as screening of loading areas. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SN0126

In Matoaca Magisterial District, GOOCHLAND/WEST CREEK L.P. requests rezoning and amendment of zoning district map from

Agricultural (A) to Community Business (C-3) with Conditional Use to permit motor vehicle sales and rental. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 3.0 acres fronting approximately 300 feet on the south line of Hull Street Road approximately 630 feet east of Chital Drive. Tax IDs 727-672-2233, 3038 and 3943 (Sheet 15).

Ms. Rogers presented a summary of Case 05SN0126 and stated the applicant submitted an additional proffer today that provides for additional landscaping. She further stated it would be necessary for the Board to suspend its rules to allow for consideration of the new proffered condition. She further stated staff recommends denial because the proposed motor vehicle sales use does not conform to the Upper Swift Creek Plan and is not compatible with the adjacent single-family residential development uses located to the south. She stated the Planning Commission recommended approval and acceptance of the proffered conditions, indicating that the proposed zoning and land uses are consistent with area development trends.

Discussion ensued relative to businesses located in the vicinity of the request property.

Mr. William Shewmake, representing the applicant, stated the proposed development would be restricted to a high-end used car sales and repair service, which he believes the area is in need of, indicating that no other use could be substituted. He noted that no opposition has been expressed by the residents of Deer Run. He stated the applicant is willing to place a three-to-four foot hedgerow along the western boundary in response to concerns expressed by Dr. Traywick. He further stated he believes the proposal represents excellent economic development for the area, and the applicant is working with the neighbors to make the view as pleasant as possible.

Mr. Barber called for public comment.

Dr. Don Traywick, whose dental office is located next to the subject property, stated the hedgerow is a gracious offer, but he would prefer a six-foot landscape berm to protect the view of his patients overlooking the proposed car lot.

Ms. Susan Reed-Carr, a dental hygienist who works for Dr. Traywick, stated she believes the patients' privacy is an issue because of the large windows in the dental office that overlook the request property. She further stated the area outside of the windows has many birdfeeders and is somewhat of a bird sanctuary. She stated a berm in the area of the windows would protect the patient's view.

Ms. Marleen Durfee, representing the Task Force for Responsible Growth, expressed concerns relative to locating a used car business in this vicinity of Hull Street Road and requested that the Board consider whether this is the best location for this type of use. She stated, although the county needs increased commercial development, the Board should not be too impulsive when making decisions regarding the placement of new businesses.

There being no one else to speak to the request, the public hearing was closed.

Mr. Shewmake stated the applicant would have to strip all the natural vegetation to create the berm requested by Dr. Traywick, indicating that he believes the three-to-four foot hedgerow offered by the applicant would address Dr. Traywick's concerns.

Mr. Miller inquired whether anything could be done to supplement the hedgerow.

Mr. Shewmake stated the hedgerow is in addition to extensive perimeter landscaping that is required for further buffering.

In response to Mr. Miller's questions, Mr. Greg Allen, Planning Administrator, stated the applicant will be required to provide perimeter landscaping of a combination of large maturing shade trees, small maturing trees, ornamental trees, a certain variety of evergreen trees, in addition to the proffered hedgerow. He further stated the landscaping would not be of a density that would create a screen, and the existing trees would count towards the perimeter landscaping requirements.

In response to Mr. Warren's question, Mr. Allen stated staff prefers not to specify landscaping materials, but that evergreen material in a hedgerow form be at least seven to eight feet tall.

Mr. Shewmake stated the hedgerow will be one continuous block, which he believes will sufficiently shield the automobiles. He further stated he believes the proposal represents a high caliber development, which will provide an economic engine for the area and generate a lot less traffic than basic retail, restaurant or office uses. He requested that the Board approve the case.

In response to Mr. Miller's question, Mr. Shewmake stated the proposed development will not have a visual impact on the residential area directly behind the subject property.

Mrs. Humphrey made a motion, seconded by Mr. Barber, for the Board to suspend its rules at this time to allow for consideration of the additional proffered condition.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mrs. Humphrey expressed concerns relative to the unsightly abandoned house on the subject property. She stated she believes the additional hedgerow will help preserve the bird sanctuary on Dr. Traywick's property.

Mrs. Humphrey then made a motion, seconded by Mr. Warren, for the Board to approve Case 05SN0126 and accept the following proffered conditions:

1. Public Water and Wastewater. The public water and wastewater systems shall be used. (U)

2. Uses. Permitted uses shall be limited to the following:
 - a. Use permitted by right or with restrictions in the Corporate Office (O-2) District.
 - b. Motor vehicle sales and rental, as restricted by Section 19-159(f)(3) through (8) of the Zoning Ordinance. (P)
3. Timbering Restriction. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
4. Prior to any site plan approval, one hundred (100) feet of right of way along Route 360, measured from the centerline of that part of the road immediately adjacent to the property shall be dedicated free and unrestricted to and for the benefit of Chesterfield County. (T)
5. Direct access from the property to Route 360 shall be limited to one entrance/exit. The exact location of this entrance/exit shall be determined by the Transportation Department. (T)
6. Prior to the issuance of a certificate of occupancy, the developer shall be responsible for:
 - a. construction of an additional lane of pavement along Route 360 for the entire property frontage; and
 - b. construction of an additional pavement at the existing crossover that aligns the property to provide an adequate left turn lane, as determined by the Transportation Department, along westbound Route 360; and
 - c. either (1) designing and constructing the entrance/exit to Route 360 to preclude vehicles exiting the site from traveling westbound on Route 360, or (2) modifying the existing crossover on Route 360 to preclude vehicles exiting the site from traveling westbound on Route 360. (T)
7. Landscaping. Perimeter landscaping requirements within the western side yard shall include evergreen shrub hedgerows planted the length of adjacent parking areas that grow to or are maintained at a three-to-four foot height maximum. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

Mr. Miller excused himself from the meeting.

05SN0138

In Midlothian Magisterial District, SHERWOOD DANCE requests Conditional Use and amendment of zoning district map to permit a private school in an Agricultural (A) District. The density of such amendment will be controlled by zoning

conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 3.1 acres and is known as 1100 Huguenot Springs Road. Tax ID 711-710-Part of 5641 (Sheet 5).

Ms. Rogers presented a summary of Case 05SN0138 and stated the Planning Commission and staff recommended approval subject to conditions and acceptance of the proffered conditions.

Mr. Sherwood Dance, Trustee of Bethel Baptist Church stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mr. Barber, seconded by Mr. Warren, the Board approved Case 05SN0138 subject to the following conditions:

1. Except where the requirements of the underlying A zoning are more restrictive, any new development for school use shall conform to the requirement of the Zoning Ordinance for office uses in Emerging Growth Areas. (P)
2. Architectural treatment of buildings, including materials, color and style, shall be compatible with the design characteristics of Bethel Baptist Church. (P)

And, further, the Board accepted the following proffered conditions:

1. The use shall not be opened to the public before 9:30 a.m. and after 2:30 p.m. (p)
2. Prior to any site plan approval, forty-five (45) feet of right-of-way on the west side of Huguenot Springs Road, measured from the center line of that part of Huguenot Springs Road immediately adjacent to the property, exclusive of the cemetery area (also known as the Spears Cemetery Plot) shall be dedicated free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department. (T)

Ayes: Barber, King, Humphrey and Warren.

Nays: None.

Absent: Miller.

Mr. Miller returned to the meeting.

05SN0145

In Bermuda Magisterial District, CHRISTIAN LIFE WORSHIP CENTER requests Conditional Use and amendment of zoning district map to permit a church in a Heavy Industrial (I-3) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for industrial use. This request lies on 6.5 acres and is known as 11924 and 11930 Old Stage Road and 1800 and 1810 Osborne Road. Tax IDs 802-659-2721, 3919, 4660 and 5824 (Sheet 27).

Ms. Rogers presented a summary of Case 05SN0145 and stated staff recommended denial because the land use does not conform to the Consolidated Eastern Area Plan. She further stated the Planning Commission recommended approval subject to conditions.

Mr. Dennis Lash, representing the applicant, stated the Planning Commission's recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

Mr. King made a motion, seconded by Mrs. Humphrey, for the Board to approve Case 05SN0145 subject to the conditions.

In response to questions from Board members, Ms. Rogers stated churches must request Conditional Uses to locate in Industrial Districts, but are allowed to locate by right in Residential Districts.

Mr. Barber called for a vote on the motion of Mr. King, seconded by Mrs. Humphrey, for the Board to approve Case 05SN0145 subject to the following conditions:

1. This Conditional Use shall be granted for a period of time not to exceed three (3) years from date of approval. (P)
2. Church use shall be limited to the building located on Tax ID 802-659-5824 and identified on the plan attached to the "Request Analysis". Associated parking may be located on this or other properties which are included as part of this request. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Barber requested a five-minute recess.

Reconvening:

16. PUBLIC HEARINGS

16.A. TO CONSIDER AMENDING SECTIONS 17-2, 17-46, 19-181 AND 19-185 OF THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED RELATING TO FAMILY DIVISIONS AND VEHICLE STORAGE YARDS

Mr. David Hainley, Planning Administrator, stated this date and time has been advertised for a public hearing for the Board to consider amendments to the County Code relating to family divisions and vehicle storage yards. He further stated the amendments relating to family divisions will clarify the term "circumvention" in the subdivision ordinance. He stated approximately 40 percent of the plats that have been created under family divisions were questionable as to the intent of the division of the property. He further stated staff is recommending a two-tier

time frame, including a requirement to own property for two years before division to immediate family members for land acquired after January 1, 2005; and a requirement for the second family member to own the property for five years before transfer to a non-family member. He stated there are provisions for property owners to receive relief from these requirements so that they could dispose of their property upon need. He noted Henrico County is the only locality in the vicinity that does not require a holding period following a family division, but is looking into doing so. He stated the Planning Commission and staff recommended approval of the proposed amendments.

Mrs. Humphrey expressed concerns relative to Planning staff being able to identify and grant relief from the holding period requirement under special circumstances.

In response to Mr. Miller's question, Mr. Hainley stated Section 17-2(a)(ii) of the ordinance identifies cases of severe hardship for which relief can be granted. He further stated property owners could appeal the Planning Director's decision regarding hardship cases to the Board of Zoning Appeals. He then introduced Mr. Greg Allen to provide details of the amendment relative to outside storage.

Mr. Allen stated the companion ordinance amendment provides for outside storage of vehicles in suitable locations for citizens and business people. He noted there are not enough suitable storage locations in the county. He stated, since drafting the ordinance amendment, staff believes Section 19-181(h)(5) is superfluous and not necessary to provide screening standards for outside vehicle storage and is recommending that subparagraph (5) be deleted if the Board adopts the ordinance amendments.

In response to Mr. Miller's question, Mr. Allen stated the outside storage uses would only be permitted in I-1 Districts.

Mr. Barber called for public comment.

Mr. Gordon Bowers, an owner of mini-storage projects, stated he has no problem with the screening standards, but does not believe subparagraph (5) is necessary because other sections of the proposed ordinance provide for more than adequate screening of vehicles and the height of a vehicle should not be a concern.

In response to Mr. Miller's question, Mr. Allen stated the Planning Commission adopted the ordinance, indicating that the issue with subparagraph (5) could be addressed at a later time. He further stated the Planning Commission gave no indication that they would oppose the deletion of the subparagraph (5).

Mr. David Phillips stated he opposes the idea of restricting family landowners from the sale of their property, and he opposes the proposed ordinance amendments.

There being no one else to speak to the ordinance amendments, the public hearing was closed.

Mrs. Humphrey stated she understands that the proposal will address the abuse of family divisions in the subdivision ordinance. She expressed concerns relative to limiting the rights of property owners, but stated the ordinance does provide for relief in hardship cases.

Mr. Miller also expressed concerns relative to imposing additional restrictions on landowners. He stated the proposed ordinance amendment is balancing the rights of citizens against clear abuses of the family division in the past. He further stated he will support the ordinance amendments since the Planning Commission unanimously recommended it, but indicated that he is bothered by restricting property owners' rights.

Mr. Warren made a motion, seconded by Mr. Miller, for the Board to adopt the ordinance amendments relating to family divisions and vehicle storage yards with the deletion of subparagraph (5) related to the height of vehicles being stored outside.

Mr. Barber called for a vote on the motion of Mr. Warren, seconded by Mr. Miller, for the Board to adopt the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING THE FOLLOWING SECTIONS:

Changes to development standards: 17-2 and 17-46 increase standards for family subdivisions to minimize circumvention of the subdivision ordinance; require land to be owned by the family member for five (5) years prior to a family division; require land to be owned by the family member for five (5) years after a family division; require affidavits of intent; establish legal presumptions regarding violations; establish penalties, restrictions and corrective measures for violations of the family division process and require warning language on plats to alert future property owners of the family division restrictions; and 19-181 and 19-185 to permit outdoor vehicle storage, accessory to warehouses, as a restricted use in I-1 districts;

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 17-2, 17-46, 19-181 and 19-185 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

[Item 1]

17-2. Definitions

Subdivision, residential parcel: The division, per article II division IV, of any parcel of land for residential use, into two (2) or more parcels all of which are more than five (5) acres, and which:

o o o

(a) Residential parcel subdivisions shall include:

Family subdivisions which shall be defined as a single division of land to create a lot or a parcel for the purpose of a sale or gift to a member of the immediate family of the property owner including a partition of property owned by immediate family members. Only one such division shall be allowed per family member and shall not be for the purpose of circumventing this chapter. For the purpose of this subsection, a member of the immediate family shall be defined as any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent or parent of the owner. Family subdivisions shall comply with all applicable requirements of the zoning ordinance and the standards set forth in this chapter. Access shall be provided as required by the Code of Virginia.

Family subdivisions shall comply with the following requirements:

- (i) The property owner requesting approval of a family subdivision shall have owned the property for a continuous period of not less than two (2) years immediately preceding the filing of the family subdivision application. This subsection shall not apply in the case of the death of the owner, and the estate executor or administrator shall be permitted to transfer the property to any eligible family member(s) of the decedent as defined in subsection (a) for the purposes of facilitating the family subdivision. Upon application, the director of planning may grant relief to this two (2) year retention period in cases of severe hardship including foreclosure, judicial sale, condemnation, bankruptcy or permanent relocation by the owner out-of-state. This subsection shall apply only to property acquired by the owner subsequent to January 1, 2005.
- (ii) Lots or parcels created through a family subdivision shall be titled in the name of the original recipient for whom the subdivision is made for a period of not less than five (5) years. Upon application, the director of planning may grant relief to this five (5) year retention period in cases of severe hardship including foreclosure, death, judicial sale, condemnation, bankruptcy or permanent relocation by the owner out-of-state. Additionally, the director of planning may approve the transfer of property between eligible family members as defined in subsection (a) within the five (5) year retention period. Any such relief granted by the director shall be in the form of an instrument that the applicant shall record against the parcel in the land records of the Circuit Court.

- (iii) Family subdivisions that do not comply with these requirements shall be presumed to have intended at the time of approval to circumvent this chapter and shall be deemed to be in violation of section 17-6. Any such lots or parcels shall be denied a building permit and, if a building permit has already been issued, shall upon discovery be subject to provisions of section 17-12 and 17-13. Further, the director of planning may take any reasonable actions necessary to ameliorate the effect of such circumvention including, without limitation, requesting the board of supervisors to adopt an ordinance pursuant to state law that vacates the subdivision in whole or in part.
- (iv) All proposed plats for family subdivisions shall include on the plat an affidavit under oath and penalty of perjury from the proposed grantor that identifies the subdivision as being for the purposes of conveyance to a qualifying family member and identifies the receiving family members and their relationship to the grantor.
- (v) All family subdivision plats must contain a conspicuous note containing the following language:

"The Chesterfield County Subdivision Ordinance requires the original recipient of a parcel or lot created by a family subdivision to retain ownership of the property for not less than five years unless granted relief by the director of planning. Any violation of this requirement shall be presumed to constitute a circumvention of the subdivision ordinance and may result in corrective action taken by the County including, without limitation, imposition of applicable penalties, denial of building permits, and/or vacation of the subdivision."

Sec. 17-46. Residential parcel subdivision and parcel line modification plat requirements.

o o o

- (3) The record plat shall graphically show the following:

o o o

- i. An affidavit under oath and penalty of perjury from the proposed grantor that identifies the subdivision as being for the purposes of conveyance to a qualifying family member and identifies the receiving family members and their relationship to the grantor.
- j. A note stating "The Chesterfield County Subdivision Ordinance requires the original

recipient of a parcel or lot created by a family subdivision to retain ownership of the property for not less than five years unless granted relief by the director of planning. Any violation of this requirement shall be presumed to constitute a circumvention of the subdivision ordinance and may result in corrective action taken by the County including, without limitation, imposition of applicable penalties, denial of building permits, and/or vacation of the subdivision."

[Item 2]

Sec. 19-181. Uses permitted with certain restrictions

The following uses shall be permitted in the I-1 District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

o o o

(j) Vehicle storage yards provided that:

(1) Such use is accessory to the operation of a warehouse or mini-warehouse facility,

(2) The portion of the warehouse or mini-warehouse facility used for vehicle storage yards is screened as follows:

a. The view of vehicle storage yards need not be screened from properties in I-2 or I-3 districts or from existing outside storage areas on adjacent properties

b. Except as noted above, the view of vehicle storage yards shall be screened from public roads and adjacent properties where outside storage is permitted. Screening shall be accomplished by building layout or durable architectural walls or fences constructed of comparable materials and using a design compatible to the warehouse building(s) on the property unless the director of planning determines that:

(i) Berms or other land forms can be installed that provide screening which meets the spirit and intent of the zoning ordinance; and

(ii) The berms or land forms are part of the natural terrain or integrated to appear that they are part of the natural terrain.

c. Except as noted above, the view of vehicle storage yards shall be screened from adjacent properties in R, R-TH, RMF,

O, MH or I-1 districts and from adjacent properties in an A district that is designated on the comprehensive plan for R, R-TH, RMF, A, O, MH or I-1 districts. Screening shall be accomplished by a compound design such that warehouse buildings block the view of the vehicle storage area. Openings between buildings shall be permitted for underground utilities, fire code requirements and unique site constraints. Views of vehicle storage areas through such openings shall be precluded through the use of screening walls constructed of comparable materials and using a design compatible to the warehouse building(s) on the property.

(3) No outdoor vehicle maintenance is permitted,

(4) No vehicle sales are permitted,

Sec. 19-185. Required conditions.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in the I-1 District.

(a) All uses, including storage, shall be conducted entirely within an enclosed building, except for accessory parking, loading and unloading facilities, and vehicle storage as allowed per section 19-181(j).

o o o

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

16.B. TO REVISE FY2005 SCHOOL BOARD CAPITAL IMPROVEMENT PLAN APPROPRIATIONS

Ms. Dickson stated this date and time has been advertised for a public hearing for the Board to consider revisions to the FY2005 School Board Capital Improvement Plan appropriations.

Mr. Barber called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board increased the appropriation in the (1) Federal Food Service Fund by \$262,000; and (2) School Capital Improvements fund by \$1,524,163 by (a) appropriating \$262,000 of School Federal Food Service fund balance; (b) appropriating \$1,349,400 from the School Grants Fund; and (c) returning \$87,237 to the School Non-Federal Food Service fund balance.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

16.C. TO CONSIDER THE EXERCISE OF EMINENT DOMAIN FOR THE ACQUISITION OF SEWER AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE HULL STREET ROAD, ROUTE 360 WIDENING PROJECT

Mr. Harmon stated this date and time has been advertised for a public hearing for the Board to consider the exercise of eminent domain for the acquisition of sewer and temporary construction easements for the Hull Street Road, Route 360 Widening Project.

Mr. Barber called for public comment.

No one came forward to speak to the issue.

In response to Mrs. Humphrey's question, Mr. Harmon stated VDOT acquired right of way for the project but did not acquire easements for the relocation of utilities.

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board authorized the exercise of eminent domain for the acquisition of sewer and temporary construction easements for the Hull Street Road, Route 360 Widening Project and authorized staff to enter and take such easements prior to eminent domain proceedings.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

17. REMAINING MOBILE HOME PERMITS AND ZONING REQUESTS

There were no remaining mobile home permits or zoning requests at this time.

18. ADJOURNMENT

On motion of Mr. Miller, seconded by Mr. King, the Board adjourned at 9:07 p.m. until February 9, 2005 at 3:30 p.m.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Lane B. Ramsey
County Administrator

Edward B. Barber
Chairman